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*AF 2/20*

Response under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2652  
PATENT

ATTORNEY DOCKET NO.: 041514-5212

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Confirmation No.: 5436
	)	
Masakazu OGASAWARA et al.	)	Group Art Unit: 2652
	)	
Application No.: 10/043,287	)	Examiner: Agustin, Peter Vincent
	)	
Filed: January 14, 2002	)	<b>Mail Stop AF</b>
	)	
For: OPTICAL PICKUP DEVICE DRIVEN	)	
BY AN ERROR SIGNAL OBTAINED	)	
FROM AN OPTICAL DETECTOR'S	)	
OUTPUT SIGNALS (As Amended)	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, **Mail Stop AF**  
Alexandria, VA 22314

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

**TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated January 12, 2005.
2. Additional papers enclosed:
  - ☐ Submission of Replacement Drawing Sheets
  - ☐ Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney
  - ☐ Change of Correspondence Address
  - ☐ Change of Attorney Docket Number
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	20	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge 0.00 to Deposit Account No. 50-0310 for the extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**


Paul A. Fournier

Reg. No. 41,023

Dated: March 14, 2005

By:

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Alexandria, VA 22314

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Final Office Action dated January 12, 2005, the period for response to which extends through April 12, 2005, reconsideration and withdrawal of the rejections set forth in the pending Office Action are respectfully requested.